

**MINUTES OF MEETING  
CITY COUNCIL OF THE CITY OF LADUE  
ST. LOUIS COUNTY, MISSOURI  
MONDAY, JULY 21, 2014, 4:00 P.M.**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, July 21, 2014, at 4:00 p.m., at the City Hall, 9345 Clayton Road. The following members were present:

The Hon. Nancy Spewak, Mayor, presiding.

Members of the Council present:

A. Charles Hiemenz  
John Howell  
Harold Burroughs  
William Brennan

Absent: John Fox

Four Council Members present.

Also present were Michael W. Wooldridge, City Clerk/Assistant to the Mayor; Mr. Rick Jett, Finance Director; Police Chief Rich Wooten; John Bailot, Fire Chief; Assistant Fire Chief Jeff Johnson; Ms. Anne Lamitola, Public Works Director; Mr. James Schmieder, Building Department; Mr. Michael Gartenberg, Building Official; City Attorney, John Maupin.

Mayor Spewak suspended the regular order of business for a moment of silence in memory of Council Member Stern who died on July 20, 2014.

Mayor Spewak suspended the regular order of business to present Years of Service Awards to Det. Brian Dieckmann (10 years), Det. Sgt. Ray Hahs (25 years) and C.O. Julie Riordan (15 years).

**Approval of the Agenda:**

Council Member Hiemenz moved approval of the agenda; seconded by Council Member Brennan and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed unanimously.

**Approval of Minutes:** Mayor Spewak asked for any amendments, corrections or clarifications to the Minutes of the Regular Meeting of June 16, 2014. Council Member Hiemenz moved approval of the Minutes, seconded by Council Member Howell, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed unanimously.

**Public Forum:**

Mr. Richard Lincoff, 17 Granada Way, encouraged the City Council to enact an ordinance prohibiting the practice of texting while driving.

**Public Hearing** (Transcript of hearing is attached)

NOTICE OF PUBLIC HEARING  
CITY COUNCIL, CITY OF LADUE  
ST. LOUIS COUNTY, MISSOURI

Notice is hereby given that the City Council of the City of Ladue will hold a Public Hearing on a recommendation submitted by the Zoning and Planning Commission that the City Council approve a subdivision of the property at the northeast corner of Conway Road and S. Lindbergh Blvd., and approve a Planned Unit Development (titled Woods of Ladue) for the same property (ZPC 13 -08).

The Hearing will be held at 4:00 p.m., or as soon thereafter as the matter may be properly heard, on Monday, July 21, 2014, at the Ladue City Hall, 9345 Clayton Road.

The Hearing will be open to the public and any person interested in the proceedings will be given an opportunity to be heard.

Pursuant to Section 610.022 RSMo., the City Council could vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021 (1) RSMo.

Michael W. Wooldridge  
City Clerk/Assistant to Mayor

**Old Business** (none)

**Zoning and Planning Matters:**

Request by Beau Brauer, 20 Upper Ladue Rd., for a special use permit to construct a new residence over 15,000 square feet.

Council Member Hiemenz moved that the request be referred to the Zoning and Planning Commission for review and recommendation. The motion was seconded by Council Member Brennan, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed unanimously.

**Proposed Legislation:**

**Bill 2088** An ordinance approving the Woods of Ladue Planned Unit Development.

Council Member Hiemenz requested that the bill be amended to remove the reference to fences in condition "i" of the Planned Unit Development as fences were prohibited by another condition in the bill.

Council Member Hiemenz moved the introduction of Bill 2088 as amended; seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Burroughs moved the first reading of Bill 2088 as amended; seconded by Council Member Howell, which motion passed unanimously.

Council Member Burroughs moved the second reading of Bill 2088 as amended; seconded by Council Member Howell, which motion passed unanimously.

Council Member Hiemenz moved adoption of Bill 2088 as amended; seconded by Council Member Brennan, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"

Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was unanimously passed.

Mayor Spewak declared Bill 2088 adopted as **Ordinance 2088**.

#### **Financial Matters:**

Ms. Shelly Benson, Ladue Accounts Payable, presented a contract for approval with ADP for payroll services. The contract will have a term of three years with no cost increase in years one and two, and a 1% increase in year three. The contract provides for the use of an online application for paperless payroll stubs. According to Ms. Benson the City will realize an annual \$470.00 decrease in expenditure for payroll services.

Council Member Brennan moved the approval of the three year contract with ADP. The motion was seconded by Council Member Burroughs, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was unanimously passed.

Mr. Jett provided a six month review of 2014 revenues and expenditures.

The Mayor and Council reviewed the **vouchers for payment** for the month of June 2014. Council Member Burroughs moved their approval, seconded by Council Member Howell, which motion passed unanimously.

The Mayor and Council reviewed the Treasurer and Collector's reports for June 2014. The Mayor ordered the reports filed for information.

The Mayor and Council reviewed the Financial report for June 2014. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Cash Flow Summary for June 2014. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Land and Lots Delinquent Tax List. The Mayor ordered the report filed for information.

### **Department Reports**

**Fire Department:** The Mayor and Council reviewed the Fire Department Activity Report for June 2014. The Mayor ordered the report filed.

Chief Bailot advised that Firehouse #2 is under roof and the second floor interior is in the framing stage. He reviewed change orders 9 – 11:

C.O. 9 – (\$3,069.00), fire poles

C.O. 10 - \$3,836.00, ASI #5 – primarily electrical

C.O. 11 - \$7,323.00, fire poles, electrical transformer, and drain pipes

Chief Bailot requested approval of a contract with Tech Electronics for the purchase of a phone system and extended warranty at Firehouse #2 at a cost of \$20,004.00.

Council Member Burroughs moved approval of the purchase of a phone system and extended warranty from Tech Electronics at a cost of \$20,004.00. The motion was seconded by Council Member Howell, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed unanimously.

Chief Bailot requested approval of a contract with Crawford, Bunte, Brammeier (CBB) for inspections and construction oversight for a traffic signal at Firehouse #2 at a cost of \$3,500.00. Chief Bailot stated CBB will provide the expe-

rience to insure that the installation of the emergency traffic signals is done according to the plans and specification.

Council Member Hiemenz moved approval of a contract with CBB for inspection and construction oversight of a new traffic signal at Firehouse #2 at a cost of \$3,500.00. The motion was seconded by Council Member Burroughs, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed unanimously.

Chief Bailot requested approval of the purchase of a mechanical CPR device through a regional grant at a cost of \$14,500.00. He advised that the City's share of the cost will be \$1,450.00. The grant from FEMA / Homeland Security will fund the remaining cost. Chief Bailot stated the grant is being administered by the Maryland Heights Fire Protection District and 13 fire departments are participating.

Council Member Hiemenz asked if this is replacement of existing equipment or new equipment. Chief Bailot advised it is new equipment for the ambulance.

Council Member Brennan moved approval of the purchase of the mechanical CPR device at a cost of \$14,500.00 (Ladue cost \$1,450.00) through a regional FEMA / Homeland Security Grant administered by the Maryland Heights Fire Protection District. The motion was seconded by Council Member Burroughs, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed unanimously.

Chief Bailot reported that the City's use of the CodeRed mass notification system should be active August 1, 2014.

**Police Department:** The Mayor and Council reviewed the Police Activity Report for the period January 1, 2014 through June 30, 2014. The Mayor ordered the report filed.

Chief Wooten reported that Part I crimes decreased 12% compared to the same period in 2013.

**Public Works:**

Ms. Lamitola requested approval of a contract with Gershenson for the S. McKnight Road Improvement project at a cost of \$2,316,538.71. She stated the bid is lower than the engineer's estimate and is within budget. Ms. Lamitola further added that the sidewalk portion of the project is also within budget. A mid- to late August construction start is anticipated.

Council Member Hiemenz moved to approve the contract with Gershenson for the S. McKnight Road Improvement project at a cost of \$2,316,538.71. The motion was seconded by Council Member Howell, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed unanimously.

Ms. Lamitola presented for approval a change order process and contingency fund for the S. McKnight Road Improvement project. She recommended a contingency fund of \$200,000.00 with a \$25,000.00 limit per change order and City Council notification at the next available meeting. Change orders would need the concurrence of Mayor Spewak, Mr. Wooldridge and Ms. Lamitola.

Council Member Howell moved approval of the change order process as presented by Ms. Lamitola. The motion was seconded by Council Member Burroughs, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed unanimously.

Ms. Lamitola asked for approval of a contract with N.B. West for the Conway Road nova chip project at a cost of \$121,628.50. Ms. Lamitola advised that only one bid was received; however, only two companies in St. Louis do this type work. She stated the current pavement surface was 10 years old and in need of maintenance. She indicated the bid price is over budget because of additional work around the stormwater inlets and subdivision streets, but that some savings may be realized by having St. Louis County stripe the road instead of the contractor.

Council Member Burroughs moved to approve the contract with N.B. West for the nova chip work on Conway Road at a cost of \$121,628.50. The motion was seconded by Council Member Hiemenz, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed unanimously.

Ms. Lamitola requested approval of a contract with O.R. Colan for property negotiator services at a cost not to exceed \$21,200.00 for the Price Road Improvement project. She stated that O.R. Colan will be responsible for obtaining right-of-way or easements from the seven largest properties within the project area.



Council Member Howell moved to approve the contract with O.R. Colan for property negotiator services at a cost not to exceed \$21,200.00. The motion was seconded by Council Member Brennan, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed unanimously.

Ms. Lamitola requested approval for the purchase of a Deere 524 wheel-loader for the mulch site from Erb Equipment at a net cost of \$124,865.00. She stated the current wheel-loader is 26 years old with 30,000 hours on the engine. Typical useful life is 10 – 15 years or 30,000 hours. Ms. Lamitola advised that Fabick quoted a price of \$12,217.00 for repairs similar to those performed in 2010. The unit was scheduled for replacement in 2016 according to Capital Improvements Fund projections. Ms. Lamitola reported that Deere was not the low bid, however was the best equipment for the work considering ground clearance, two new buckets and parts availability. She stated that Erb Equipment has offered a free loaner until the new wheel-loader arrives.

Mr. Jett advised the Mayor and Council that the Capital Improvements Fund could handle the unbudgeted expenditure. He indicated that a budget amendment may be needed before the end of the year because of this expenditure and the increased costs associated with the Firehouse #2 construction.

Council Member Howell moved to approve the purchase of a Deere 524 wheel-loader from Erb Equipment at a cost of \$124,865.00. The motion was seconded by Council Member Brennan, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed unanimously.

Ms. Lamitola informed the Council that she committed the City to a regional salt procurement co-op for the year. She indicated that salt supplies are low and the suppliers would not guarantee delivery if the City is not participating in the co-op. She stated that she will present a supplemental agreement from a supplier for salt that will provide for a smaller quantity of salt as a secondary source.

Council Member Hiemenz asked about the timing of the new signal at Ladue Rd. & I-170. He expressed frustration with the wait times on Ladue Road at I-170 when no traffic was exiting I-170. Ms. Lamitola stated the timing issue will be addressed as construction in the area is completed.

**Municipal Court:** The Mayor and Council reviewed the Municipal Court Report for June 2014. The Mayor ordered the report filed.

**Administration/City Clerk.**

The Mayor and Council reviewed the building department report for June 2014. Year-to-date 129 reportable permits were issued for a construction value of \$21.3M. The number of permits issued has increased 18.3% year to date. Construction value decreased 36% compared to 2013. Mayor Spewak ordered the report filed.

**Appointments:** None

**Liquor Licenses:** None

**Adjournment:** Mayor Spewak advised that the next meetings would be scheduled for August 18, September 16, and October 20.

Mayor Spewak advised there were items for discussion in executive session involving legal and personnel matters as provided under RSMo. 610.021 (1) and (3).

Council Member Hiemenz moved to go into closed session as provided under RSMo. 610.021 (1) and (3), legal and personnel matters; seconded by Council Member Burroughs and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed unanimously.

(The Mayor and Council went into closed session at 5:35 PM with Mr. Wooldridge, Mr. Maupin, and Chief Wooten)

Council Member Hiemenz moved to return to open session, seconded by Council Member Burroughs, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was unanimously passed.

(returned to open session at 5:55 PM)

Council Member Hiemenz moved adjournment, seconded by Council Member Burroughs, which motion passed unanimously. The meeting adjourned at 5:55 PM.

**APPROVED THIS 18<sup>th</sup> DAY OF AUGUST 2014.**

**ATTEST:**

  
\_\_\_\_\_  
Michael W. Wooldridge, City Clerk

  
\_\_\_\_\_  
Nancy Spewak, Mayor

MEETING OF ~~THE~~ CITY COUNCIL  
CITY OF LADUE  
ST. LOUIS ~~COUNTY~~, MISSOURI

IN THE MATTER OF:

CITY COUNCIL  
9345 CLAYTON ROAD  
LADUE, MISSOURI 63124

MONDAY, JULY 21, 2014

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BOBBIE LUBER, LLC  
P.O. Box 31201 -1015 Grupp Road  
St. Louis, Missouri 63131  
(314) 993-0911

MEETING OF THE CITY COUNCIL  
CITY OF LADUE  
ST. LOUIS COUNTY, MISSOURI

IN THE MATTER OF:  
  
CITY COUNCIL  
9345 CLAYTON ROAD  
LADUE, MISSOURI 63124  
  
MONDAY, JULY 21, 2014

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BE IT REMEMBERED that on the 21st day of July, 2014 hearing was held before the Zoning Board of Adjustment of the City of Ladue, Missouri, at Ladue City Hall, 9345 Clayton Road, in the City of Ladue, State of Missouri 63124, regarding the above-entitled matter before VICTORIA MENAUGH FAUSER, Certified Court Reporter in Missouri and Illinois and a Missouri Notary Public and the following proceedings were had.

## A P P E A R A N C E S

### COUNCIL MEMBERS:

Nancy Spewak, Mayor

Mr. Hal Burroughs

Mr. Charles Hiemenz

Mr. Bill Brennan

Mr. John Howell

ALSO PRESENT: Mr. John Maupin, City Attorney

Mr. Michael Wooldridge, City Clerk

Mr. Michael W. Gartenberg

### Court Reporter:

Victoria Menaugh Fauser

Missouri CCR # 903

Bobbie Luber, LLC

P.O. Box 31201

St. Louis, Missouri 63131

1                   (The Meeting of the Zoning and Planning  
2 Commission of the City of Ladue was called to order at 4:00  
3 p.m.)

4                   MAYOR SPEWAK: I would like to call the  
5 meeting to order today. I'm here to suspend the order of  
6 business. At this time it's with a heavy heart that I must  
7 announce the death of the President of our Council Walt  
8 Stern. Walt was elected to the Council in 1996 and he served  
9 as President from 1999 until his death. He is going to be  
10 greatly missed by all of us. He'll be missed by the citizens  
11 he represented and by his colleagues on the Council. We knew  
12 him to be dedicated, tenacious and someone who always puts  
13 the best interests of his constituents and the City of Ladue  
14 first. So I would ask now for us to have a moment of silence  
15 to remember Walt.

16                   Arrangements are pending. We will -- as soon  
17 as we know some information we will be sure to get it out to  
18 you. And so our thoughts are with Nora his wife and his  
19 family.

20                   Okay. I'm going to further suspend the order  
21 of business now to present some service awards on a positive  
22 note. We have 25-year award going to Ray Hahs; 10 years  
23 to -- or 15 years to Julie Reardon; and 10 years to Brian  
24 Dieckmann.

25                   CHIEF WOOTEN: If I can have Brian Dieckmann

1 come forward, please. Currently Detective Dieckmann's  
2 assigned to the RCCEEG Unit which is a computer crime  
3 investigation service. He has served as an investigator for  
4 10 years as well as a patrol officer. So again  
5 congratulations on your 10 years of service. Appreciate it.

6 Julie is currently our communications officer  
7 with us but unfortunately because of some family commitment  
8 she couldn't be here tonight but I do want to mention her  
9 name and get in the record that she's been with us for 15  
10 years and she came to us as a dispatcher from the City of St.  
11 Louis and has served us very, very well in that capacity. So  
12 again I wanted to publicly thank her and we'll make sure she  
13 gets this when she gets back.

14 And last Ray Hahs. Sergeant Haas is with us  
15 today on his 25th anniversary with the City of Ladue. We  
16 have a plaque commemorating his service as well as a watch  
17 from the City of Ladue again thanking Ray for his service.

18 He has been a patrol officer. He's been for  
19 many, many years one of our traffic officers, accident  
20 reconstruction in St. Louis County, accident reconstruction  
21 team, promoted how many years now to Sergeant? I'm losing  
22 track. Two and a half. And he is in charge of our  
23 Investigation Unit here and doing a fine job in that  
24 capacity. So again thank you for your hard work.

25 MAYOR SPEWAK: Okay. Now we need a motion to



1 adopt the agenda.

2 MR. HIEMENZ: So submitted.

3 MAYOR SPEWAK: Motion carried. Motion to  
4 approve the minutes of the regular meeting of June 16th,  
5 2014.

6 MR. HIEMENZ: Submitted.

7 MAYOR SPEWAK: All in favor. Thank you. At  
8 this time it is our public forum portion of the meeting. I  
9 would be happy to recognize anyone who wishes to address  
10 myself and the Council on city matters.

11 Okay. I'm sorry, come forward, please. If  
12 you could tell us your name and address.

13 MR. LINKOFF: My name is Richard Linkoff and I  
14 apologize for my back to all of you. And so first of all, my  
15 congratulations to the Police Department and also my  
16 condolences to the Stern family. I made some notes because  
17 I've done a little research in preparing to come before you  
18 and I wanted to thank you for this opportunity.

19 Well, I didn't go and graduate from high  
20 school here in St. Louis. I have lived here for 24 years and  
21 I have a special affiliation to Ladue. The reason I'm coming  
22 before you is to ask your consideration around the creation  
23 of the special ordinance, one which you may have thought of  
24 previously.

25 As many of you may or may not know, there are

1 44 states, Puerto Rico, Guam and the Virgin Islands that  
2 currently have a law against texting and driving for all  
3 citizens. Only Arizona, Texas, Mississippi, Montana,  
4 Oklahoma and Missouri are the states that do not have a law  
5 for texting at all ages for their citizens.

6 Each of these states has decided that making  
7 this statement and showing their will and focusing on one of  
8 the greatest distractions in driving is worth the law. Last  
9 year six bills were brought before the Missouri State Senate,  
10 all of them are still in committee, none of them made it  
11 pass; yet the State Highway Patrol actively supports, so does  
12 MoDOT, so does the State Insurance Agency, so does MoBikeFed  
13 which represents all the bikers in this state and many  
14 others. The only option is for cities like Ladue to take  
15 some action. It's easy and a no brainer. Well, not  
16 necessarily a no brainer; there is a process that is  
17 involved. But that process can be laid out and there are  
18 those that have gone before us.

19 I have spoken with Art McDonnell the Mayor of  
20 Kirkwood who is also a personal friend, his chief who is Jake  
21 Plummer and I've also had the opportunity to sit with Chief  
22 Wooten to talk about this prior to coming before you.

23 I've put together a packet for each of you  
24 which covers both some of the major issues associated with  
25 texting and driving as well as the legislation that was

1 passed by Kirkwood provided to me by Mayor McDonnell and all  
2 of the state laws that currently exist in the United States  
3 and I thought that might of help to you in your  
4 consideration.

5           Ladue is a very progressive community. We're  
6 concerned about our citizens and bikers. We have had  
7 incidents in the past due to distracted driving. We have  
8 constant traffic coming through our particular arteries and  
9 those individuals may as well as our own citizens have  
10 inadvertently been distracted at times themselves. I know  
11 myself and I'm sure many of you have looked over at someone  
12 and may have changed your own driving habits because of it.  
13 Not necessarily creating an accident but maybe slowing down,  
14 maybe moving to the left or maybe trying to think about why  
15 are they doing this.

16           Well, the common comment against passing this  
17 ordinance is the difficulty in enforcement. And when I spoke  
18 to the Mayor of Kirkwood and I talked about the why would you  
19 do it, and what their comment was is yeah, but so are seat  
20 belts difficult to enforce, but that doesn't keep a community  
21 from making the statement.

22           And the statement is that it is against the  
23 law. Some of you may be familiar that there are distracted  
24 driver regulations on the state level. Interestingly enough,  
25 those are applicable upon the event of some issue where you

1 can prove that they were distracted but they don't say you  
2 can't do like texting before the accident.

3 So texting in 44 states is against the law.  
4 What I am advocating to you, what I would like you to be  
5 thinking about is regardless of our state being backwards in  
6 this particular area, Ladue can be a leader and should be  
7 sending a message of safety and responsibility to our  
8 residents and the people who travel within the city. I will  
9 be happy to help make this happen. So I thank you, Chief,  
10 for you listening as well.

11 MR. BRENNAN: What is the penalty? Do they  
12 take your phone away?

13 MR. LINKOFF: Chief, maybe you can speak to  
14 it, but I believe it's a ticket but if you go to the courts  
15 it can be a lot worse than that.

16 CHIEF WOOTEN: I have not seen the Kirkwood  
17 ordinance. I just got a copy today so I don't know how they  
18 structured the penalties.

19 MR. LINKOFF: So I've included the ordinance  
20 in this packet. I'll be happy to leave this up front.

21 MAYOR SPEWAK: Thank you. Thank you very  
22 much. Thanks for coming forward.

23 MR. LINKOFF: Thank you.

24 MAYOR SPEWAK: Anyone else? Thank you. All  
25 right. Now, I would like a motion to open the public

1 hearing, please.

2 MR. BURROUGHS: So moved.

3 MAYOR SPEWAK: Second?

4 MR. HOWELL: Second.

5 MAYOR SPEWAK: All in favor?

6 MR. BURROUGHS: Aye.

7 MAYOR SPEWAK: We have a request today by  
8 Pulte Homes for approval of a Planned Unit Development titled  
9 the Woods of Ladue and a preliminary plat of the property on  
10 the northeast corner of Conway Road and South Lindbergh  
11 Boulevard. Zoning and Planning is recommending approval and  
12 I believe we have Larry Butts and George Stock, Larry is with  
13 Pulte and George is the engineer on the project to give a  
14 brief presentation? Or --

15 MR. BUTTS: No.

16 MAYOR SPEWAK: Do you want to review the  
17 Zoning and Planning recommendations?

18 MR. WOOLDRIDGE: You have before you the  
19 memorandum from Mr. Fisher the Chairman of the Zoning and  
20 Planning Commission who has outlined one, the development  
21 itself of 24 -- excuse me, of 20 lots that have been prepared  
22 by Pulte and have been reviewed by the commission. They --  
23 it has met all the conditions that were included in the  
24 ordinance that you passed here about two months ago in  
25 regards to the establishment of a Planned Unit Development.

1 The end result of this being the lots are, one, they are  
2 downsized lots as individual units, it meets the 30,000  
3 square foot limitation of the underlying zoning which is  
4 under District C.

5 The commission did have a series of  
6 recommendations which you also have before you that are also  
7 included -- if you approve this or accept the recommendation  
8 that will be included in the PUD ordinance that follows.

9 But it involves that the development -- this  
10 preliminary plat and the preliminary development plan here  
11 will be followed based upon those documents, work  
12 restrictions, landscaping restrictions and so forth.

13 MAYOR SPEWAK: Council?

14 MR. HIEMENZ: Mayor, the first thing, and I  
15 know this first began in May of 2013, our committees and  
16 Zoning and Planning Commission have done a terrific job of  
17 vetting this over the past 14 months. I have one question  
18 and, Mike, perhaps I could direct this to you. The proposal  
19 is for 20 homesites and I'm curious, will our Architectural  
20 Review Board be reviewing and commenting on each of those  
21 individually?

22 MR. WOOLDRIDGE: The ARB will review each home  
23 as its submitted for permitting. The ARB has given a  
24 conceptual approval of the designs that are being offered. I  
25 believe there is four homes with five designs or five homes

1 with four, I may have them backwards. But they have approved  
2 those elevations in concept but ARB will review those for  
3 site specificity in terms of suitability for the site as well  
4 as the landscaping as it meets the general criteria that  
5 Pulte has submitted and has passed both our landscape  
6 consultant's review as well as ARB.

7 MR. HIEMENZ: Thank you.

8 MAYOR SPEWAK: Anyone else?

9 MR. BURROUGHS: Is there a sense of timing,  
10 staging on this when it will -- do they have a timeline?

11 MAYOR SPEWAK: I believe that you can probably  
12 answer this better than us, but once it's -- final approvals  
13 are done I'm thinking fall; right?

14 MR. STOCK: Yes, ma'am. For the record, my  
15 name is George Stock with Stock & Associates. So  
16 anticipating a recommendation and approval by the board today  
17 we would move back to Z&P with their final development plan  
18 and back in front of City Council in August. We have  
19 procured approvals and permits from the MSD and MoDOT so we  
20 anticipate starting construction September of 2014.

21 MR. BURROUGHS: And completing --

22 MR. STOCK: Well, the goal would be to have  
23 the site development which would include the site gradings,  
24 the storm water infrastructure, all the landscaping around  
25 that buffering, as well as the street in the fall of 2014

1 along with the construction of the display home such that  
2 homes could be sold in 2015.

3 MR. BURROUGHS: You're anticipating this is  
4 going to be a build as they are sold type of thing?

5 MR. STOCK: Exactly. That's correct.

6 MR. BURROUGHS: What do you project as far as  
7 absorption?

8 MR. STOCK: Two years.

9 MR. BURROUGHS: One other question for the  
10 record, your recommendation on the deliveries to the site.  
11 This is anticipating neighborly concerns. What are our  
12 limitations as far as construction activities, noise  
13 ordinance?

14 MR. MAUPIN: Nothing on Sundays and nothing on  
15 Saturday either. I think no deliveries -- and this is  
16 different because of the traffic concerns, there are no  
17 deliveries here before 9:00 a.m.

18 MAYOR SPEWAK: And nothing after 4:00.

19 MR. BURROUGHS: That's in the recommendations.  
20 I'm talking about construction activity itself --

21 MR. MAUPIN: Yes, from 7:00 until I believe  
22 5:00, 6:00. 7:00 until 6:00.

23 MR. WOOLDRIDGE: And that's Monday through  
24 Saturday?

25 MR. BRENNAN: Construction on Saturday?



1 MR. WOOLDBRIDGE: Yes, but no construction on  
2 Sundays?

3 MR. MAUPIN: They anticipate this will what's  
4 called a balanced job and they won't be bringing in fill  
5 material and taking out excavation so there won't be the  
6 trucks filled with dirt moving on and off, really one of the  
7 major problems as far as street cleanliness and traffic  
8 issues are concerned. No parking on Conway. All the parking  
9 has to be on site, all the construction vehicles, so there is  
10 no congestion in the neighborhoods.

11 MAYOR SPEWAK: Bill, did you have a question?

12 MR. BRENNAN: I just wanted to know about the  
13 base price of the 750.

14 MAYOR SPEWAK: Is that still the entry level  
15 base price for --

16 MR. BUTTS: For the record, my name is Larry  
17 Butts with Pulte Homes. The base price would probably be in  
18 the area of 750 to 800,000.

19 MAYOR SPEWAK: John, do you want to add  
20 something first before I call for public comment or do you  
21 want to do it at the end?

22 MR. MAUPIN: Why don't I do it at the end.

23 MAYOR SPEWAK: Public comment. Anybody have  
24 anything they want to get in? Would you state your name?

25 MR. KAHN: My name is Linda Kahn. Are you

1 going to address with MoDOT the streetlight problem on Conway  
2 and Lindbergh in as much as it is a very bizarre streetlight,  
3 it doesn't allow a lot of traffic to flow through.

4 MAYOR SPEWAK: You're talking about the  
5 traffic light?

6 MS. KAHN: The traffic light.

7 MAYOR SPEWAK: So we've had -- we've had our  
8 traffic engineers look at this and Pulte has done a traffic  
9 study as well and we are -- Ann Lamitola our Public Works  
10 Director, we are going to work with MoDOT and discuss with  
11 them the inadequacies of that lot because it's a little  
12 nuance the way the street is laid out and there are some  
13 things that maybe we can do. But both traffic studies for  
14 the development did indicate that it would not put it over  
15 the number of cars that would cause a problem. So we're  
16 looking at it from our standpoint.

17 MS. KAHN: School buses go down that route and  
18 it's sometimes very hard to get to Lindbergh or an ambulance  
19 to get in and out it's going to be very difficult because of  
20 the timing.

21 MAYOR SPEWAK: We're going to look at that and  
22 we're hopefully -- and see what we can do but we don't  
23 control that right now.

24 MS. KAHN: I know.

25 MAYOR SPEWAK: We'll do our best.

1 MS. KAHN: Thank you.

2 MS. ARNSTEIN: Hi. Darien Arnstein, 48 Daryl  
3 Lane. I communicated with Mayor Spewak but just for the  
4 record I just wanted to mention the concerns of the residents  
5 of Daryl Lane about the oversight involved in the preparation  
6 of the land, the adherence to the plans, maintenance of the  
7 existing mature trees. Because once that would be taken away  
8 there isn't any remediation that can be -- that can be done  
9 and Mayor Spewak has responded to my request.

10 Just for the record, I wanted the entire City  
11 Council to be aware of our concerns that we hold Pulte  
12 accountable for keeping the plans, the mature trees and as  
13 well as monitoring the architectural standards for the  
14 development. Thank you.

15 MAYOR SPEWAK: Thank you. Thanks for bringing  
16 your concerns forward. So just as a statement to -- back to  
17 Darien's comments. I think Pulte knows, and I'm looking at  
18 you, Larry Butts, that to go through this process and as  
19 detailed as we've been that we are going to be monitoring it  
20 very closely. And as part of any building permits, first the  
21 site and then individual homes, we'll be marking the trees,  
22 we'll have our landscape architect there, we'll have Mike  
23 Gartenberg our building official and engineer measuring,  
24 we'll make sure the grading is done correctly so we're going  
25 to be very vigilant about you adhering to the plans that are

1 approved. And I know having working with you that you want  
2 the same thing. So I feel confident but also feel that we  
3 have all of the controls in place and we're going to -- we're  
4 going to stay on top of it.

5 MR. HIEMENZ: Mayor, we're going to be  
6 reviewing a bill on this in a few minutes?

7 MAYOR SPEWAK: That's right.

8 AUDIENCE: Madam Mayor, are any of the homes  
9 on Conway Road, I am -- a request for Pulte, the formulation  
10 for the detention basin, I'm really not sure that it's going  
11 to work. I'm a neophyte as far as that goes. But I would  
12 like to know the height, the width and the length of the  
13 retention basin, how much water it will hold and how are they  
14 figuring out the water from the rooftops and the blacktops,  
15 if I could take that out and have someone else look at it  
16 that is knowledgeable in that field and check them out.  
17 Because that's really important for the impact on Deer Creek.  
18 One more drop of water in Deer Creek is going cause a  
19 disaster.

20 One other thing is somebody in that complex is  
21 going to have to be held accountable for the maintenance of  
22 the detention basin, because we're one leap away from  
23 disaster.

24 MAYOR SPEWAK: We do have a maintenance  
25 requirement.

1 AUDIENCE: That would be great.

2 MAYOR SPEWAK: But Mr. Gartenberg, do you want  
3 to address some of this about the detention basin or do you  
4 want --

5 MR. GARTENBERG: I would be happy to do it.  
6 It's an empirical model. It's actually a theoretical thing.  
7 But in essence what is calculated is based on certain design  
8 storms, you know, no two storms are exactly alike but there  
9 are certain parameters, there are certain storms which the  
10 engineer, which the developer needs to design towards.

11 And the way the process works is as the water  
12 is going -- it's running off the property during one of these  
13 design storms it's necessary that it be captured and detained  
14 so that as it enters Deer Creek it's going into Deer Creek at  
15 the same rate or less than it is currently. And that is in a  
16 nutshell the way that the process works.

17 It's a very, very involved process but I do  
18 want to point out that, you know, no two storms are alike.  
19 This detention basin has been put together in such a way that  
20 esthetically I've actually never seen one that has been  
21 addressed as this has. It's well landscaped around the basin  
22 and within the basin itself it will be a field of grass with  
23 stone rather than paved concrete which is often the case for  
24 channels. But stone only where it's necessary to prevent  
25 erosion. It's being done -- as Mr. Maupin commented before,

1 the amount of soil being used here is equivalent to what is  
2 on the site. It's a balanced site. There is really no  
3 appreciable cut or fill. So the establishment of these berms  
4 is a part of that. The soil on the site is staying on the  
5 site.

6 AUDIENCE: The reason I'm a little skittish is  
7 because -- if I can address the Board, if you remember  
8 Fieldcrest, they have a detention basin on top of the hill,  
9 and as you know, water doesn't run uphill, so it just doesn't  
10 work. So it was an oversight. I'm not laying any blame;  
11 we've got to do better than Fieldcrest.

12 MAYOR SPEWAK: If you want to talk to  
13 Mr. Gartenberg directly, too, that would be great and then if  
14 you have a question come back to us. Okay. Yes?

15 MR LEWIS: I'm John Lewis. I live at No. 60  
16 Daryl Lane. My wife and I have lived in Ladue for 50 years.  
17 We appreciate very much the work that's been done by this  
18 Council. We appreciate all the work of the Zoning and  
19 Planning Committee and you've been very thorough.

20 We have particularly noted that the home  
21 designs are going to be reviewed by the ARB and the  
22 implementation of the design will be overseen by  
23 Mr. Gartenberg. We that live in the area would appreciate  
24 the opportunity to know the exceptions that are granted by  
25 Mr. Gartenberg to the Pulte requests for -- according to the

1 design as approved.

2 And the second point that I would raise would  
3 be with regard to the indentures. We on Daryl Lane have a  
4 set of indentures and I would inquire as to what is the  
5 status of the indentures that have been developed for this  
6 community and if we could have a copy of those indentures,  
7 please.

8 MAYOR SPEWAK: Mr. Maupin, you're reviewing  
9 the indentures now?

10 MR. MAUPIN: They have sent me a first draft  
11 of the indentures. I reviewed them and made several  
12 comments, John, and I'm waiting for the review to come back,  
13 the revisions to come back and I'll review them again. One  
14 of the conditions of our granting of the PUD status is that  
15 the indentures be reviewed and approved by me.

16 MR. LEWIS: Prior to the approval by the  
17 Council or as a condition?

18 MR. MAUPIN: Prior to the final review. What  
19 this is tonight is review the approval -- the requested  
20 approval of the preliminary plat and the final plat will come  
21 in next month for -- with a request for approval and any --  
22 the indentures will have to be approved by me before the  
23 final plat is approved.

24 MR. LEWIS: I understand. With regard to the  
25 exceptions granted by Mr. Gartenberg, are those matters of

1 public record --

2 MAYOR SPEWAK: I'm sorry. He's going to be  
3 reviewing the site for grading and elevations. Are you  
4 talking about that or are you speaking --

5 MR. LEWIS: I'm responding to your answer to  
6 Mrs. Arnstein. You were suggesting that there would be a  
7 review procedure that the neighbors could -- how does that  
8 work?

9 MAYOR SPEWAK: Mike, I'll let you answer  
10 yourself.

11 MR. MAUPIN: No.

12 MR. GARTENBERG: In response to Mr. Lewis's  
13 question, there are no exceptions. The parameters are being  
14 established now and these parameters work hand in hand with  
15 our zoning requirements. A typical project comes in and its  
16 evaluated based on good engineering practices on the civil  
17 side for the site work and as far as the house itself would  
18 go, that's subject to architectural review and subject to our  
19 building code and our zoning code. That all holds true here  
20 as well but there is one more layer put on top of that and  
21 that is the PUD requirement and what are being committed to  
22 in this process.

23 It will be a matter of reviewing not just  
24 the -- the site work that's proposed for compliance with our  
25 codes and the PUD requirement but we'll be going through that



1 same process for each of the homes that goes in as well.

2 So -- and then it becomes a matter of  
3 implementing that out in the field and that's where our field  
4 inspections will come in.

5 MR. LEWIS: Thank you very much.

6 MAYOR SPEWAK: Does that answer the question,  
7 Mr. Lewis?

8 MR. LEWIS: Yes. Thank you.

9 MAYOR SPEWAK: Okay. Anybody else?

10 MR. HIEMENZ: To be clear, this evening we're  
11 being asked to approve or going to be asked to approve a  
12 preliminary plat or existing conditional approval in that  
13 this is going back to Zoning and Planning for one more bite  
14 out of the apple.

15 MAYOR SPEWAK: We are approving a preliminary  
16 plat and then with that it will go back to Zoning and  
17 Planning and that meeting is scheduled for Monday, July 28 at  
18 8:30 I think in the morning and then at that point Zoning and  
19 Planning will take a look at the comments today and what  
20 we've discussed and then they will be asked to up or down --  
21 you know, approve a final plan -- a final plat of the  
22 property.

23 MR. HEIMENZ: That will come back to the  
24 Council?

25 MAYOR SPEWAK: And then it will come back to

1 the Council in August and we will then give final approval  
2 based on Zoning and Planning recommendation should they  
3 recommend final approval. So today we are establishing the  
4 ordinance and in that ordinance as you referred a little bit  
5 earlier some of the requirements are -- the requirements are  
6 there, the conditions. Okay.

7 MR. MAUPIN: Yes, Your Honor. We need to  
8 include in the record the entire code of ordinances for the  
9 City of Ladue and every piece of paper in the city's records  
10 applies to the application for the use of this corner  
11 property by Pulte Homes. It goes back 14 months. Including  
12 all the reports of our consultants and all of the memorandum  
13 that have been prepared. And most specifically the  
14 recommendations of the Zoning and Planning Commission for  
15 approval of this preliminary plat and the Planned Unit  
16 Development ordinances that pertain to this that was  
17 approved -- recommended for approval by the Zoning and  
18 Planning by a six oh vote and the letter from the chair of  
19 the Zoning and Planning shows the results of that vote and  
20 all the conditions that were part of that approval.

21 MAYOR SPEWAK: Okay. Thank you. At this time  
22 I would like a motion to close this hearing.

23 MR. BURROUGHS: So noted.

24 MAYOR SPEWAK: Second? All in favor?

25 MR. HEIMENZ: Aye.

1 MR. WOOLDRIDGE: Aye.

2 MR. BRENNAN: Aye.

3 MR. HOWELL: Aye.

4 MAYOR SPEWAK: And a motion -- any further  
5 questions? And if not at this time I ask for a motion to  
6 approve this recommendation.

7 MR. HIEMENZ: So moved.

8 MAYOR SPEWAK: Second? All in favor?

9 MR. BURROUGHS: Aye.

10 MR. WOOLDRIDGE: Aye.

11 MR. BRENNAN: Aye.

12 MR. HOWELL: Aye.

13 Motion carried. Okay. Thank you.

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**CERTIFICATE OF REPORTER**

I, Victoria Menaugh Fauser, Certified Court Reporter within and for the State of Missouri, do hereby certify twith the meeting aforementioned was held on the time and in the place previously described.

In witness whereof, I have hereunto set my hand and seal this 6th day of July, 2014.

A handwritten signature in cursive script that reads "Victoria M. Fauser". The signature is written in dark ink and is positioned above a horizontal line.

Victoria Menaugh Fauser CCR #903